

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:111. Deer and turkey hunting on special areas.

RELATES TO: KRS 150.025(1), 150.170, 150.370, 150.390

STATUTORY AUTHORITY: KRS 150.025(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations relating to game and fish, including seasons, limits, and areas where taking is allowed. This administrative regulation establishes deer and turkey hunting season frameworks and hunting procedures on special areas.

Section 1. General Requirements. (1) Unless otherwise stipulated in this administrative regulation, the provisions of 301 KAR 2:172 and 2:140 shall apply.

(2) Except on the Daniel Boone National Forest, the Jefferson National Forest, the Big South Fork National River and Recreation Area, and Hidden Valley Training Area, on the areas listed in this administrative regulation, a hunter shall:

- (a) Obtain a permit from the area before hunting;
- (b) Not hunt deer or turkey except on assigned hunting dates;
- (c) Remain in assigned areas;
- (d) Unless otherwise specified in this administrative regulation, tag deer with area tags issued on the area;
- (e) Keep the area tag attached to the deer until the carcass is processed; and
- (f) Check deer at a designated check station before leaving the area.

(3) Land Between the Lakes, Fort Campbell, Fort Knox, Bluegrass Army Depot, Reelfoot National Wildlife Refuge, Clark's River National Wildlife Refuge, Ohio River Islands National Wildlife Refuge, the Daniel Boone National Forest, the Jefferson National Forest, the Big South Fork National River and Recreation Area, the Wendell H. Ford Regional Training Center, and the Hidden Valley Training Center may allow firearm, crossbow, or archery hunting for antlered or antlerless deer from September 1 through January 31.

(4) Land Between the Lakes, Fort Campbell, Fort Knox, Bluegrass Army Depot, and the Wendell H. Ford Training Center may permit turkey hunting up to twenty-three (23) days between the last Saturday in March and the second Saturday in May.

(5) Land Between the Lakes, Fort Campbell, Fort Knox, Bluegrass Army Depot, and the Wendell H. Ford Training Center may permit firearm turkey hunting between October 15 and January 31, and archery or crossbow turkey hunting from the first Saturday in September through the third Monday in January.

(6) Use of tree stands.

(a) On a special area, a person may use portable stands and climbing devices that do not injure trees.

(b) On a special area, a person shall:

1. Not~~[(a) Shall not]~~ use nails, spikes, screw-in devices~~[a nail, spike, screw-in device]~~, wire, or tree climbers~~[climber]~~ for attaching ~~[a] tree stands~~~~[stand]~~ or for climbing trees~~[a tree]~~;

2. Not use an existing permanent tree stand~~[(b) May use a portable stand or climbing device that does not injure a tree]~~;

3. Not place a portable stand in a tree more than two (2) weeks prior to the opening day, and shall remove it within one (1) week following the last day of each hunting period~~[(c) Shall not place a portable stand in a tree more than two (2) weeks before opening day, and shall remove it within~~

~~one (1) week following the last day, of each hunting period]; and~~

4. Plainly~~[(d) Shall plainly]~~ mark the portable stand with the hunter's name and address~~]; and~~
~~(e) Shall not use an existing permanent tree stand].~~

Section 2. Land Between the Lakes. (1) A person shall not take more than:

(a) Two (2) deer during archery hunts, as stipulated by the USDA Forest Service;

(b) One (1) deer during quota hunts;

(c) One (1) turkey of either sex during deer archery season; and

(d) One (1) turkey with a visible beard during the spring turkey quota hunt.

(2) Quota hunters shall:

(a) Apply in advance at Land Between the Lakes; and

(b) Abide by the shooting hours of one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(3) A person harvesting deer or turkey shall:

(a) Check the carcass as required by the USDA Forest Service;

(b) Affix a Land Between the Lakes game check card as required by the USDA Forest Service;
and

(c) Not use bait, feed, minerals, or other attractants.

Section 3. Fort Campbell. (1) Turkey, either sex:

(a) Deer archery hunters may take turkey; and

(b) A turkey taken at Fort Campbell shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

(2) White turkey.

(a) A person may take one (1) white turkey of either sex during open Fort Campbell hunting seasons.

(b) Statewide and post limits and tagging requirements shall not apply to white turkey.

Section 4. Reelfoot National Wildlife Refuge. (1) Bag limits.

(a) Zone 1 limits apply during the open archery hunt; and

(b) A person shall not take more than two (2) deer by firearms, only one (1) of which shall be antlered.

(2) Tagging and checking deer.

(a) A quota hunter shall tag deer with a tag issued by Reelfoot National Wildlife Refuge.

(b) Quota hunters shall comply with the check-in requirements of Reelfoot National Wildlife Refuge.

(c) An archery hunter shall take deer using the appropriate statewide or bonus antlerless deer permit and check harvested deer through the state telephone check system.

Section 5. (1) Bluegrass Army Depot. A person shall not:

(a) Take an antlered deer whose outside antler spread is less than fifteen (15) inches, or

(b) Use bait, feed, minerals, or other attractants.

(2) A turkey taken at the Bluegrass Army Depot shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

Section 6. Fort Knox. (1) A person shall not take an antlered deer whose outside antler spread is less than twelve (12) inches; and

(2) A turkey taken at Fort Knox shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

Section 7. Hidden Valley Training Area. A person shall not:

- (1) Hunt turkeys;
- (2) Hunt deer using a firearm; or
- (3) Use bait, feed, minerals, or other attractants.

Section 8. Daniel Boone National Forest and Jefferson National Forest. A person shall not use bait, feed, minerals, or other attractants.

RICH STORM, Commissioner

MICHAEL E. BERRY, Secretary

APPROVED BY AGENCY: May 19, 2021

FILED WITH LRC: May 19, 2021 at 4:29 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 25, 2021 at 1:00 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through August 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes deer and turkey hunting season frameworks and hunting procedures on special areas.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to establish seasons, limits, and areas where taking is allowed on special areas.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to promulgate administrative regulations relating to game and fish, including seasons, limits, and areas where taking is allowed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing season framework on special areas.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment cleans up and simplifies language in the existing regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as part of the agencies continued efforts to update and simplify our regulations,

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: Individuals who engage in hunting activities in the listed areas.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not alter any costs for the entities in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Healthy wildlife populations

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment.

Additional fees or funding for direct implementation of this regulation are not necessary as the regulation already exists.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals hunting in the listed areas are treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? No state or local government units will be impacted by this change.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated for state and local governments.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: